IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

In re ACCREDO HEALTH, INC. SECURITIES LITIGATION)))
This Document Relates To:) Civil Action No. 03-CV-2216-BBD) CLASS ACTION
ALL ACTIONS) <u>CLASS ACTION</u>

DEFENDANTS' MOTION IN LIMINE TO EXCLUDE ANY TESTIMONY, REFERENCE TO, OR EVIDENCE REGARDING PURPORTED VIOLATIONS OF THE SARBANES-OXLEY ACT OF 2002

Defendants Accredo Health, Inc. ("Accredo"), David D. Stevens, and Joel R. Kimbrough (collectively, "Defendants"), respectfully move the Court for an Order in limine excluding from evidence at trial any testimony concerning, any reference to, and any records and documents regarding purported violations of the Sarbanes-Oxley Act of 2002 on the grounds that the evidence is inadmissible under Rule 402 of the Federal Rules of Evidence because it is not relevant. Further, to the extent such evidence may be deemed to be relevant, it is inadmissible under Rule 403 of the Federal Rules of Evidence because any potential probative value it may have would be substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, and/or by considerations of undue delay and waste of time. Defendants rely upon their memorandum contemporaneously filed herewith in support of this Motion.

WHEREFORE, Defendants respectfully request that the Court grant its Motion in Limine and exclude the above-referenced evidence and grant any and all further relief as the Court deems just and proper.

Respectfully submitted this 8th day of September, 2008.

s/ Douglas F. Halijan
Jef Feibelman (BPR # 7677)
Douglas F. Halijan (BPR # 16718)
BURCH, PORTER & JOHNSON, PLLC
130 North Court Avenue
Memphis, TN 38103
(901) 524-5000

Peter Q. Bassett Kelly C. Wilcove Scott N. Sherman Mark D. Trainer ALSTON & BIRD LLP 1201 West Peachtree Street Atlanta, GA 30309-3424 (404) 881-7000

Attorneys for Defendants Accredo Health, Inc., David D. Stevens, and Joel R. Kimbrough

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was forwarded *via* the Court's electronic filing system, this 8th day of September, 2008 to:

Tor Gronborg
Mark Solomon
Trig R. Smith
COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP
401 B Street, Suite 1700
San Diego, CA 92101

Timothy A. DeLange Blair A. Nicholas BERNSTEIN LITOWITZ BERGER & GROSSMANN, LLP 12544 High Bluff Drive, Suite 150 San Diego, CA 92130

B.J. WadeGLASSMAN EDWARDS WADE & WYATT, P.C.26 N. Second Street BuildingMemphis, TN 38103

s/ Douglas F. Halijan